

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVARIUS LAVALLE RIGGINS,

Plaintiff,

v.

SCOTT DZEKUTE and MARK VOIGT,

Defendants.

ORDER

17-cv-481-jdp

Pro se plaintiff Davarius Riggins alleges that defendants Scott Dzekute and Mark Voigt physically assaulted him, in violation of the Fourteenth Amendment. Since September 2017, however, he has failed to respond to any correspondence from either the court or defendants' counsel. Defendants therefore filed a motion to compel him to participate in various aspects of the case, Dkt. 17, and Magistrate Judge Stephen Crocker issued an order on April 27, 2018, telling Riggins that if he failed to work with defendants, his case could be dismissed. Dkt. 21. Riggins has continued to be unresponsive, and now defendants have filed a motion to dismiss for lack of prosecution. Dkt. 22.

I note that since September 6, 2017, when this court's correspondence to Riggins at the Dane County Jail was returned as undeliverable, Dkt. 9, Riggins has not contacted the court to provide an updated address. All efforts to contact Riggins have been at addresses obtained from publicly available records on CCAP in *State of Wisconsin v. Davarius L. Riggins*, Dane County Case No. 2017CF409. These records indicate that Riggins provided the state court with an address of 641 W Main Street, Apt. 209, Madison WI on September 7, 2017. He then updated his address on November 10, 2017, to 714 Vera Court, Apt. 102, Madison, WI 53704. The only mailing sent to Vera Court address was an April 5, 2018 notice of deposition from

defendants. The remainder of the mailings from the court and defendants have been sent to the Main Street address.

None of the mailings to Riggins at either address have prompted a response. Nor has any mail been returned as undeliverable. I directed Riggins to promptly update the court of any change of address in my order granting him leave to proceed. Dkt. 6, at 5.

I will give Riggins one final chance to cooperate with defendants' attempts to contact him. I will direct the clerk of courts to send this order to both addresses listed above. Riggins will then have one week to respond by telling the court which address he wishes to use going forward, and stating whether he wishes to continue with the case. If he does not respond, I will dismiss this case with prejudice under Federal Rule of Civil Procedure 41(b) for his failure to prosecute it.

ORDER

IT IS ORDERED that:

1. The clerk of courts mail a copy of this order to the plaintiff, Davarius L. Riggins, at both of the addresses provided in this order. If Riggins does not respond by June 11, 2018, I will dismiss this case with prejudice for his failure to prosecute it.
2. The deadline for dispositive motions, June 1, 2018, is STRUCK. I will set a new deadline, if necessary, after Riggins responds to the court.

Entered June 4, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge